

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4547 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

B'NAGAR GHJOGHA GRAMYA SEVA KEKELEVANI MANDAL

Versus

STATE OF GUJARAT

Appearance:

Mr M B Gandhi for Petitioner

Mr P G Desai for Respondent No. 1

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 08/08/96

ORAL JUDGEMENT

By way of this Special Civil Application under Article 226 of the Constitution of India, the petitioner seeks permission to quash and set aside the order passed by the Jt. Secretary, Department of Education, State of Gujarat dated 4.5.1990 whereby the management of Gogha English School, run by the petitioner Trust has been taken.

2. The decision of the State Government is challenged on various grounds, but I am not inclined to go into them for the simple reason in view of the provisions of section 33 of the Gujarat Secondary Education Act, 1972, the State Government can manage the School not exceeding a period of five years in aggregate. First management was taken over in the year 1990, in pursuance of the Notification dated 4.5.1990, admittedly more than 5 years period has expired. Thus, the State Government should restore the management of the School to the petitioner-Trust.

3. In view of the aforesaid, without entering into the merits of the case, it is directed that the State Government shall restore the management of the subject School to the petitioner-Trust within a period of one month from today.

Rule is made absolute to the aforesaid extent with no order as to costs.

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